

## **REMARKS/ARGUMENTS**

This Amendment responds to the Office Action dated February 18, 2009, in which the Examiner rejected claims 52-53, 55-58, 62-63, 67-68 and 70 under 35 U.S.C. § 101, and rejected claims 11-12, 14-17, 19-20, 23-24, 35, 49-53, 55-58, 60-61, 64-65, and 67-70 under 35 U.S.C. § 103.

Applicants respectfully traverse the Examiner's rejection of the claims under 35 U.S.C. § 101. Applicants respectfully point out that the method claimed in the claims is tied to another statutory category. In particular, claim 52 receives picture signals from a photographing means as found on line 4 of the claim. Additionally, claims 52, 67 and 68 have been amended to also recite that the audio data signal is received from the audio inputting means. Claim 70 has been amended to claim output to an output device. Thus, Applicants respectfully submit that the invention is tied to a statutory category. Therefore, Applicants respectfully request the Examiner withdraws the rejection to the claims under 35 U.S.C. § 101.

As indicated above, claims 11, 35, 49-52 and 67-70 have been amended in order to make explicit what is implicit in the claims. The amendment is unrelated to a statutory requirement for patentability.

In the claimed invention, for multiplexed still picture data and audio data, a first pack contains encoded I picture data, encoded P or B picture data and encoded audio data, and a second pack contains encoded audio data and encoded P or B picture data.

By having first and second packs containing the data as claimed in claims 11, 35, 49-52 and 67-70, the claimed invention provides an apparatus and method which can multiplex both still picture signal and an audio signal. The prior art does not show, teach or suggest the invention as claimed in claims 11, 35, 49-52 and 67-70.

Claims 11-12, 14-17, 19-20, 23-24, 35, 49-53, 55-58, 60-61 64-65 and 67-70 were rejected under 35 U.S.C. § 103 as being unpatentable over *Hashimoto, et al.* (U.S. Patent No. 6,111,604) in view of *Kato* (U.S. Patent No. 6,148,031), *Riek, et al.* (U.S. Patent No. 5,987,179) and ISO/IEC11172-1 and Official Notice.

*Hashimoto, et al.* appears to disclose in FIG. 11 a process for capturing and storing video and audio information. Separate image and audio files are written onto a memory card 16. Subsequently, a relation file which describes the association of image and audio files is written and updated (Col. 9, lines 46-54). The relation file can indicate information of just a still image, the combination of a still image with audio data and information of successive images so that a series of images can be displayed to generate moving images (Col. 10, lines 1-4).

Thus, nothing in *Hashimoto, et al.* shows, teaches or suggests multiplexing a still picture data and audio data as claimed in claims 11, 35, 49-52 and 67-70. Rather, *Hashimoto, et al.* merely discloses separately storing the image data and the audio data and using a relation file to describe the correspondence therebetween.

Furthermore, since nothing in *Hashimoto, et al.* shows, teaches or suggests multiplexing the still picture data and audio data, nothing in *Hashimoto, et al.* shows, teaches or suggests a first pack containing encoded I picture data, encoded P or B picture data and encoded audio data, and a second pack containing encoded audio data and encoded P or B picture data as claimed in claims 11, 35, 49-52 and 67-70.

*Kato* appears to disclose when an operation keyboard 32 issues a continuous image taking command, an image compression/decompression circuit 18 compresses the output of the camera signal processor circuit 16 and the compressed information is stored in a first memory 20. When a still image taking request is input during the continuous image taking, the system

control circuit 26 tags with a still image taking flag the corresponding frame of the compressed image information and stores them in a first memory. Upon the end of the continuous image taking, the system control circuit 26 reads the series of still images from the first memory 20, re-compresses them by the image compression/decompression circuit 18 while sequentially taking inter-frame correlation (Col. 3, lines 41-58).

Thus, *Kato* merely discloses recompressing tagged motion information into still images. Nothing in *Kato* shows, teaches or suggests multiplexing still picture data and audio data as claimed in claims 11, 35, 49-52 and 67-70. Rather, *Kato* only discloses recompressing a motion picture into a still image.

Additionally, nothing in *Kato* shows, teaches or suggests first and second of packs containing the data as claimed in claims 11, 35, 49-52 and 67-70.

*Riek, et al.* appears to disclose control electronics 16 receives an image signal generated by an image sensor 14 and MPEG encodes the image signal in response to signal received from camera controls including a quality adjustment selector 18 for selecting the desired level of quality in selected still images. A still button 22 selects a video frame for encoding as a still image (Col. 4, lines 18-25).

Thus, *Riek, et al.* merely discloses selecting a video frame for encoding at a desired level of quality. Nothing in *Riek, et al.* shows, teaches or suggests multiplexing still picture data and audio data as claimed in claims 11, 35, 49-52 and 67-70. Rather, *Riek, et al.* only discloses selecting a video frame for encoding a still image at a desired level of quality.

Additionally, nothing in *Riek, et al.* shows, teaches or suggests that the multiplexed data is composed of a first pack containing encoded I picture data, encoded P or B picture data and

encoded audio data, and a second pack containing encoded audio data and encoded P or B picture data as claimed in claims 11, 35, 49-52 and 67-70.

ISO/IEC11172-1 at section 1-a.6.3 merely discloses multiplexing video packs and audio by interleaving one audio pack in every six to seven video packs.

Thus, ISO/IEC is merely directed to multiplexing moving pictures. Nothing in ISO/IEC shows, teaches or suggests multiplexing still picture data and audio data as claimed in claims 11, 35, 49-52 and 67-70. Rather, ISO/IEC only discloses multiplexing moving data and audio data.

Additionally, since nothing in ISO/IEC shows, teaches or suggests multiplexing still picture data and audio data, nothing in the reference shows, teaches or suggests the multiplex data including a first pack containing encoded I picture data, encoded P or B picture data and encoded audio data, and a second pack containing encoded audio data and encoded P or B picture data as claimed in claims 11, 35, 49-52 and 67-70. Rather, ISO/IEC only discloses multiplexing moving pictures and audio data, but not still images with audio data.

The Examiner takes Official Notice that it is known in the art for audio and video packs to be correlated in a 1:1 ratio. Applicants respectfully request the Examiner provide a reference for the Official Notice. Furthermore, Applicants respectfully point out that a video pack is for moving data and not for still image data. Thus, nothing in the Official Notice shows, teaches or suggests (a) multiplexing still picture data and audio data and (b) the first and second packs of multiplexed data containing the various data as claimed in claims 11, 35, 49-52 and 67-70.

The combination of the references would merely suggest to store still image data and audio data separately and to have a relation file to determine the correspondence therebetween as taught by *Hashimoto, et al.*; to recompress motion pictures to still pictures as taught by *Kato*; to select the video frame for encoding to a still image at a desired level of quality as taught by *Riek*,

*et al.*; and, to multiplex moving images (video) with audio by interleaving the audio at every six to seven moving (video) packs and taught by ISO/IEC. Thus, nothing in the combination of the references shows, teaches or suggests (a) multiplexing still picture data and audio data, and (b) the multiplexed data composed of packs including a first pack containing encoded I picture data, encoded P or B picture data and encoded audio data, and a second pack containing encoded audio data and encoded P or B picture data as claimed in claims 11, 35, 49-52 and 67-70. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 11, 35, 49-52 and 67-70 under 35 U.S.C. § 103.

Claims 12, 14-17, 19-20, 24-25, 35, 49-53, 55-58, 60-61, and 64-65 recite additional features. Applicants respectfully submit that claims 12, 14-17, 19-20, 23-24, 53, 55-58, 60-61, and 64-65 would not have been obvious within the meaning of 35 U.S.C. § 103 over *Hashimoto, et al.*, *Kato*, *Riek, et al.* and ISO/IEC and Official Notice, at least for the reasons as set forth above. Therefore, Applicants respectfully request the Examiner withdraws the rejection to claims 12, 14-17, 19-20, 23-24, 53, 55-58, 60-61, and 64-65 under 35 U.S.C. § 103.

Thus, it now appears that the application is in condition for a reconsideration and allowance. Reconsideration and allowance at an early date are respectfully requested.

**CONCLUSION**

If for any reason the Examiner feels that the application is not now in condition for allowance, the Examiner is requested to contact, by telephone, the Applicants' undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed within the currently set shortened statutory period, Applicants respectfully petition for an appropriate extension of time. The fees for such extension of time may be charged to Deposit Account No. 50-0320.

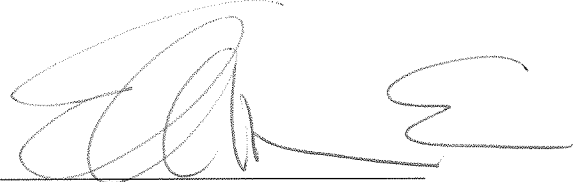
In the event that any additional fees are due with this paper, please charge to our Deposit Account No. 50-0320.

Respectfully submitted,

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